IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P.)

Writ Petition No. 4803 /2000

PETITIONER : Santosh Kumar Nishad, S/o. Sukhiram Nishad, aged about 32 years, Occupation Service, R/o. Hirapur, Vir Savarkar Nagar, Quarter No.1243, Raipur, District Raipur (M.P.)

V E R S U S

RESPONDENTS :

1. M.P. Housing Board, through Commissioner, Paryavas Bhawan, Bhopal
2. Executive Engineer, M.P. Housing Board Raipur, Dist. Raipur (M.P.)
3. Assistant Engineer, M.P. Housing Board, Sub-Division No.2, Hirapur, Raipur, District Raipur (M.P.)

PETITION UNDER ARTS. 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF MANDAMUS, DIRECTION CERTIORARI, PROHIBITION OR THE LIKE ETC.

4. PARTICULARS OF THE PETITIONER

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4803 OF 2000

Petitioner	:	Santosh Kumar Nishad
	versus	
Respondents	:	M.P. Housing Board and others

Present : Mr. Rajeev Shrivastava with Mr. Indrasen Sahu, counsel for the petitioner.
Mr. Sanjay Patel, counsel for the respondents.

ORDER
(Passed on 1st of September, 2006)

Services of the petitioner were engaged on daily wages basis as muster roll employee on 3-4-1988. His services were discontinued by order dated 25-7-2000 (Annexure P-2) on the basis of instructions issued by the Government. The petitioner filed this petition impugning the termination order dated 25-7-2000 (Annexure P-2). The High Court of Madhya Pradesh at Jabalpur, while issuing notice on 24-8-2000, directed to maintain status quo with regard to the services of the petitioner. It is evident that on the

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day of passing of the order, i.e., 24-8-2000, the petitioner was not in service. His services stood terminated on 25-7-2000 itself. The appointment of the petitioner was not as per the constitutional scheme nor in accordance with law. Thus, in the light of the decision of the Supreme Court in *Secretary, State of Karnataka and others vs. Umadevi (3) and others*[1] and in *Mineral Exploration Corporation Employees' Union vs. Mineral Exploration Corporation Limited and another*[2], the petitioner has no right to reappointment, reinstatement, absorption, etc.

2. For the reasons above-stated, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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1 (2006) 4 SCC 1

2 JT 2006 (7) SC 151

Gopal